



IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

**Declaration and Power of Attorney**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Customized Applet-on-Hold Arrangement**, the specification of which was filed in the United States Patent and Trademark Office on June 17, 1999, as application Serial No. 09/776,937.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

None

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

Maurice de Picciotto	(Reg. No. 27978)
Thomas J. Bean	(Reg. No. 44528)
John C. Moran	(Reg. No. 30782)
Robert E. Rudnick	(Reg. No. 36260)
David Volejnicek	(Reg. No. 29355)

Please address all correspondence to the Docket Administrator (Rm. 1L-202), Avaya Inc., P.O. Box 629, Holmdel, New Jersey 07733-3030. Telephone calls should be made to David Volejnicek by dialing 303-538-4154.

Full name of 1<sup>st</sup> joint inventor: Andrew D. Flockhart

Inventor's signature Andrew D. Flockhart Date 5/9/01

Residence: Thornton, Adams County, Colorado, USA

Citizenship: Great Britain

Post Office Address: 1062 East 133<sup>rd</sup> Way  
Thornton, Colorado 80241

Full name of 2<sup>nd</sup> inventor: Eugene P. Mathews

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: Barrington, Lake County, Illinois, USA

Citizenship: United States of America

Post Office Address: 21920 Rainbow  
Barrington, Illinois 60010

Full name of 3<sup>rd</sup> inventor: John Z. Taylor

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: Bedminster, Somerset County, New Jersey, USA

Citizenship: United States of America

Post Office Address: 10 Steeple Chase  
Bedminster, New Jersey 07921

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Full name of 1st joint inventor: Andrew D. Flockhart

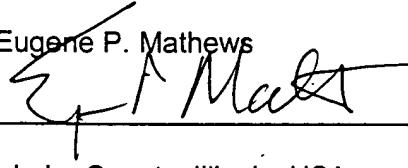
Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: Thornton, Adams County, Colorado, USA

Citizenship: Great Britain

Post Office Address: 1062 East 133<sup>rd</sup> Way  
Thornton, Colorado 80241

Full name of 2<sup>nd</sup> inventor: Eugene P. Mathews

Inventor's signature  Date 05-04-01

Residence: Barrington, Lake County, Illinois, USA

Citizenship: United States of America

Post Office Address: 21920 Rainbow  
Barrington, Illinois 60010

Full name of 3<sup>rd</sup> inventor: John Z. Taylor

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

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Residence: Barrington, Lake County, Illinois, USA

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Post Office Address: 21920 Rainbow  
Barrington, Illinois 60010

Full name of 3<sup>rd</sup> inventor: John Z. Taylor

Inventor's signature John Z. Taylor Date 5-9-2001

Residence: Bedminster, Somerset County, New Jersey, USA

Citizenship: United States of America

Post Office Address: 10 Steeple Chase  
Bedminster, New Jersey 07921

SEP 10 2001

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of Conveying party(ies):

Andrew D. Flockhart  
 Eugene P. Mathews  
 John Z. Taylor

Additional name(s) of conveying party(ies) attached?  Yes  No

## 2. Name and address of receiving party(ies)

Name: Avaya Inc.

Internal Address: \_\_\_\_\_

Street Address: 211 Mount Airy RoadCity: Basking Ridge State: NJ ZIP: 07920Additional name(s) & address(es) attached  Yes  No

## 3. Nature of conveyance:

 Assignment Merger Security Agreement Change of Name Other \_\_\_\_\_Execution Date: May 9, 2001; May 14, 2001; May 9, 2001

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is \_\_\_\_\_

## A. Patent Application No.(s)

09/776,937

## B. Patent No.(s)

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence

concerning document should be mailed:

Name: Docket AdministratorInternal Address: Room 1L-202Street Address: 101 Crawfords Corner RoadCity: Holmdel State: NJ ZIP: 07733-30306. Total number of applications and patents involved: 7. Total fee (37 CFR 3.41) .....\$ 40.00 Enclosed Authorized to be charged to deposit account8. Deposit account number: 501602

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*David Volejnicek

Name of Person Signing

David Volejnicek

Signature

June 1, 2001

Date

A.D.FLOCKHART 15-19-1Total number of pages including cover sheet (in duplicate), attachments, and document: 4

## ASSIGNMENT AND AGREEMENT

For value received, we, Andrew D. Flockhart of Thornton in the County of Adams and the State of Colorado, and Eugene P. Mathews of Barrington in the County of Lake and the State of Illinois, and John Z. Taylor of Bedminster in the County of Somerset and the State of New Jersey, hereby sell, assign and transfer to Avaya Inc., a corporation of the State of Delaware, having an office at 211 Mount Airy Road, Basking Ridge, New Jersey, 07920, U.S.A. and its successors, assigns and legal representatives, the entire right, title and interest, for the United States of America, in and to certain inventions related to **Customized Applet-on-Hold Arrangement** described in an application for Letters Patent of the United States, filed in the United States Patent and Trademark Office on June 17, 1999, as application Serial No. 09/776,937 executed by me of even date herewith, and all the rights and privileges in said application and under any and all Letters Patent that may be granted in the United States for said inventions; and we also concurrently hereby sell, assign and transfer to Avaya Inc. the entire right, title and interest in and to said inventions for all countries foreign to the United States, including all rights of priority arising from the application aforesaid, and all the rights and privileges under any and all forms of protection, including Letters Patent, that may be granted in said countries foreign to the United States for said inventions.

We authorize Avaya Inc. to make application for such protection in its own name and maintain such protection in any and all countries foreign to the United States, and to invoke and claim for any application for patent or other form of protection for said inventions, without further authorization from us, any and all benefits, including the right of priority provided by any and all treaties, conventions, or agreements.

We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any document which may be required in any country in proof of the right of Avaya Inc. to apply for patent or other form of protection for said inventions and to claim the aforesaid benefit of the right of priority.

We request that any and all patents for said inventions be issued to Avaya Inc. in the United States and in all countries foreign to the United States, or to such nominees as Avaya Inc. may designate.

We agree that, when requested, we shall, without charge to Avaya Inc. but at its expense, sign all papers, and do all acts which may be necessary, desirable or convenient in connection with said applications, patents, or other forms of protection.

Andrew D Flockhart  
Andrew D. Flockhart

Date: 5/9/01

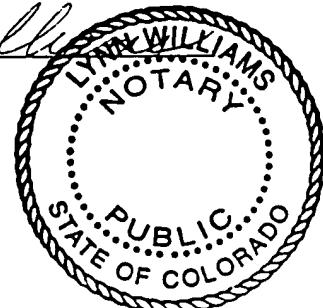
United States of America )

State of Colorado ) ss.:

County of Adams )

On this 9<sup>th</sup> day of May, 2001, before me personally came Andrew D. Flockhart, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.

Lynn Williams  
Notary Public



My Commission Expires 01/12/2003



Eugene R. Mathews

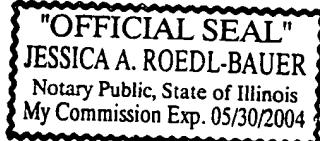
Date: 05-14-01

United States of America )

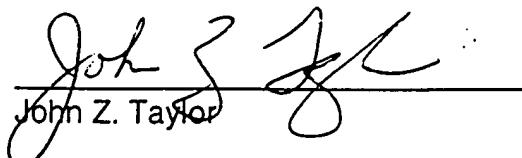
State of Illinois ) ss.:

County of Lake )

On this 14<sup>th</sup> day of May, 2001, before me personally came Eugene P. Mathews, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.



Jessica P. Roedl Bauer  
Notary Public



John Z. Taylor

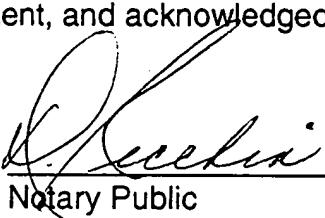
Date: 5-9-2001

United States of America )

State of New Jersey ) ss.:

County of Somerset )

On this 9th day of May, 2001, before me personally came John Z. Taylor, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of the same.



Dianne Recchia  
Notary Public

DIANNE RECCHIA  
NOTARY PUBLIC OF NEW JERSEY  
Commission Expires 2/13/2002

Avaya Inc.  
P.O. Box 629  
Holmdel, New Jersey 07733-3030